

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOYCE PETTYE,

*Plaintiff,*

v.

SANTANDER CONSUMER USA, INC.,  
an Illinois corporation,

*Defendant.*

Case No.: 1:15-cv-07669

Honorable Amy J. St. Eve

**MOTION TO DISMISS**

Defendant Santander Consumer USA, Inc., through its undersigned counsel, respectfully moves this Court for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing plaintiff's First Amended Complaint for failure to state a claim upon which relief can be granted. This Motion is based on this Motion and accompanying Notice of Motion and the Memorandum of Points and Authorities filed herewith, the operative First Amended Complaint and pleadings on file with the Court in this matter, all matters of which this Court may properly take judicial notice, and any other evidence or oral argument as the Court may consider in connection with this Motion.

Dated: December 21, 2015

Respectfully submitted,  
**SANTANDER CONSUMER USA, INC.,**

By: /s/ K. Issac deVyver  
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**CERTIFICATE OF SERVICE**

The foregoing Notice of Motion was electronically filed on December 21, 2015 with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all registered parties.

SANTANDER CONSUMER USA, INC.,  
Defendant

By: /s/ K. Issac deVyver